

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

DEC 28 2005

JOHN F. CORCORAN, CLERK  
BY:   
DEPUTY CLERK

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the above-captioned suit is dismissed without prejudice. This action is stricken from the active docket of the court.

Foster is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel for the respondent.

**ENTER:** This 26th day of December, 2005.

5.

~~UNITED STATES DISTRICT JUDGE~~